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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**BRENDAN JOHN RICHARDS, THE
CALGUNS FOUNDATION, INC., and THE
SECOND AMENDMENT FOUNDATION,
INC.,**

CV 11-2493 SI

**STIPULATION AND ORDER
CONSOLIDATING CASES FOR
HEARING ON MOTION TO DISMISS
(Fed.R.Civ. Proc. 42(a))**

Date: August 5, 2011
Time: 9:00 a.m.
Courtroom: 10
Judge: The Honorable Susan Ilston
Trial Date: None
Action Filed: May 20, 2011

KAMALA HARRIS, Attorney General of California (in her official capacity), CALIFORNIA DEPARTMENT OF JUSTICE, CITY OF ROHNERT PARK, OFFICER DEAN BECKER (RP134) and DOES 1 TO 20.

Defendants.

Counsel for Plaintiffs and counsel for the California Attorney General and the California Department of Justice (the “State Defendants”) hereby stipulate and jointly request an order pursuant to Federal Rule of Civil Procedure 42 consolidating this case, *Richards v. Harris*, Case No. CV 11-2493 SI (“Richards”) with the related case of *Haynie v. Harris*, Case No. CV 10-1255 SI. (“Haynie”) for purposes of considering the State Defendants’ Motion to Dismiss. A hearing

1 on the State Defendants' Motion to Dismiss in *Haynie* is currently set for August 5, 2011. Both
 2 Plaintiffs and the State Defendants believe that because the legal issues in *Haynie* and the instant
 3 case are identical, it will preserve judicial and party resources to have the two cases consolidated
 4 for purposes of adjudicating the Motion to Dismiss.

5 Federal Rule of Civil Procedure 42 permits a Court to "join for hearing or trial any or all
 6 matters" in two actions if the "actions before the court involve a common questions of law or
 7 fact." Both *Haynie* and *Richards* present the same legal issues regarding California's Assault
 8 Weapons Control Act and the Department of Justice's role in enforcing it. The parties agree and
 9 stipulate that the legal defenses raised by the State Defendants in their Motion to Dismiss in the
 10 *Haynie* matter are identical to those they would raise in a Motion to Dismiss in *Richards*, namely,
 11 standing and subject matter jurisdiction. The parties further stipulate and agree that the
 12 opposition and reply in *Richards* would be substantially identical to those filed in *Haynie*.
 13 Accordingly, the parties seek an order consolidating *Haynie* and *Richards* for purposes of
 14 adjudicating the issues presented in the State Defendants' Motion to Dismiss currently set for
 15 August 5, 2011, and to deem the motion pleadings in the *Haynie* action to apply as though also
 16 filed in *Richards*. The parties stipulate that the facts alleged in the *Haynie* First Amended
 17 Complaint, and the facts alleged in the *Richards* Complaint can be used to support arguments in
 18 either or both cases.

19 Granting the relief sought will reduce the expenditure of judicial resources, and will not
 20 prejudice any party.

21
 22 SO STIPULATED.

23
 24 Date: June 20, 2011

Date: June 20, 2011

25
 26 /s/ Ross Moody

/s/ Donald Kilmer

27 Ross Moody, Counsel for Defendants

Donald Kilmer, Counsel for Plaintiffs

FINDINGS AND ORDER

2 Pursuant to the stipulation of the parties and a review the Complaint in *Richards v. Harris*,
3 Case No. CV 11-2493 SI, and the First Amended Complaint in *Haynie v. Harris*, Case No. CV
4 10-1255 SI, as well as the briefing on the Motion to Dismiss which is complete in *Haynie*, this
5 Court finds that these actions contain common issues of law and fact, and should be consolidated
6 for hearing pursuant to Federal Rule of Civil Procedure 42(a).

7 The Court also accepts the stipulation of the parties that the Motion to Dismiss briefing
8 filed in the *Haynie* action should be deemed applicable to the *Richards* action with respect to
9 Defendants Kamala Harris and the California Department Of Justice; and that the consolidated
10 motion to dismiss in *Richards* and *Haynie* will be heard on August 5, 2011 at 9:00 a.m., the date
11 currently set for the hearing on the Motion to Dismiss in *Haynie*.

12 Plaintiffs are directed to serve a copy of this Stipulation and Order on the remaining
13 Defendants in the *Richards* case.

Dated: 6/21/11

Susan Illston
The Honorable Susan Illston
United States District Judge